REMARKS/ARGUMENTS

Amendment G was filed on August 15, 2008 in response to the Office Action dated March 17, 2008.

The following addresses new claims 48-51, added in Amendment G, as requested by the Examiner in the Office communication dated November 21, 2008.

Claims 48-49 depend from claim 14, claim 50 depends from claim 1, and claim 51 depends from claim 11. Claims 1, 11, and 14 are submitted as patentable for the reasons described in detail in Amendment G. Dependent claims 48-51 are submitted as patentable for at least the reasons set forth for their respective base independent claims.

Claim 48 is further submitted as patentable over the cited references which do not show or suggest wherein a share of output link bandwidth allotted to a queue, as set forth in the base independent claim, comprises a hypothetical bandwidth allocation. Conventional systems do not predict how the system will perform under different traffic conditions or with a different allocation of resources (e.g., change in share of output link bandwidth allotted to a queue). Applicant's invention, as set forth in the claims, is particularly advantageous in that it allows for the worst-case delay to be analyzed under hypothetical conditions such as different output link bandwidth allocations. The claimed invention is rapidly adaptable to real time changes in traffic conditions and allows for analysis of worst-case delay under hypothetical conditions such as different output link bandwidth allocations.

Claim 49 is further submitted as patentable over the cited references which do not disclose wherein the negotiated rate comprises a hypothetical negotiated rate. As noted above, conventional systems do not predict how the system will perform under different traffic conditions or with a different allocation of resources. Applicant's claimed invention allows the associated rate to be set to a hypothetical negotiated rate and calculations performed.

Claim 50 is further submitted as patentable over the cited references which do not disclose calculating a hypothetical bandwidth allocation of a queue based on a specified periodic worst-case delay. As previously described, applicant's invention allows for the worst-case delay to be analyzed under hypothetical conditions such as different output link bandwidth allocations. A specified worst-case delay may be used to model bursty traffic. For example, when a customer and Internet service provider agree to the customer sending increased voice and video traffic, such traffic is burstier than data traffic. Thus, it is useful to have the capability to estimate the effect of an increase in bursty traffic on delay. The claimed method can be used to estimate the effect of an increase in bursty traffic on delay and can be used to tell how much additional bandwidth is need to achieve a certain reduction in delay with existing traffic.

Claim 51 specifies transmitting the calculated periodic worst-case delay to a central device configured to collect the calculated periodic worst-case delay from routers along a path in the network and add up the collected periodic worst-case delay associated with each of the routers. Claim 51 is further submitted as patentable for the reasons set forth in Amendment G for claims 9, 20, 25, 29, and 31. As described in Amendment G, the cited references do not teach adding up a periodic worst-case delay associated with routers along a path.

For the reasons set forth above and in Amendment G, applicant believes that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

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